

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 12-03029-01-CR-S-BCW
	)	
DERICK JAMES MACK,	)	
	)	
Defendant.	)	

**ORDER**

On February 13, 2013, the Court held a hearing to address all outstanding motions and pending issues in this matter (Doc. #62). Before the Court is Magistrate Judge James C. England's Report and Recommendation (Doc. #61) which denied Defendant's Motion to Suppress (Doc. #33) and Defendant's Motion for a Franks Hearing (Doc. #36). Also before the Court are Defendant's objections to the Report and Recommendation (Docs. #64, #65, and #66), each of which was filed on February 20, 2013. At the hearing on February 13, 2013, the Court granted Defendant leave to file these objections.

After an independent review of the record, the applicable law, and the parties' arguments and objections, the Court adopts Magistrate Judge England's findings of fact and conclusions of law. Furthermore, the Court being duly advised of the premises, and for good cause shown, makes the following rulings on all other outstanding motions in this matter. Accordingly, it is hereby

ORDERED Magistrate Judge England's Report and Recommendation (Doc. #61) shall be attached to and made part of this Order, DENIES Defendant's Motion to Suppress (Doc. #33), and DENIES Defendant's Motion for a Franks Hearing (Doc. #36). It is further

ORDERED Defendant's Motion to Dismiss Individual Counts as Multiplicitous (Doc. #16) is GRANTED pursuant to the reasons stated in the Court's Order dated May 21, 2012 (Doc. #19). It is further

ORDERED Defendant's Motion to Proceed Pro Se With Standby Appointed Counsel (Doc. #26) is GRANTED pursuant to the Court proceedings held on August 14, 2012 (Doc. #39). It is further

ORDERED Defendant's Motion for Request of Discovery Material (Doc. #31) is GRANTED as such discovery was provided to Defendant's standby counsel, Robert D. Lewis. It is further

ORDERED Defendant's Motion to Preclude "Other Crimes" Evidence (Doc. #35) is DENIED as MOOT or otherwise premature. It is further

ORDERED Defendant's Motion Requesting Turnover of Exculpatory and Impeachment Material (Doc. #38) is DENIED. It is further

ORDERED Defendant's Motion for Request to Compel (Doc. #40) is DENIED. It is further

ORDERED Defendant's Motion to Recuse Judge (Doc. #42) is DENIED. It is further

ORDERED Defendant's Motion for Summary Judgment and Motions in Question (Doc. #52) is DENIED as MOOT because all of the issues raised in the Motion have been addressed in the Court's previous rulings. It is further

ORDERED Defendant's Motion to Dismiss Due to Violation of Sixth Amendment Right to Speedy Trial (Doc. #53) is DENIED. It is further

ORDERED Defendant's Motion (Doc. #54) is DENIED as MOOT as such hearing was held on February 13, 2013. It is further

ORDERED Defendant's Response in Opposition to the Report and Recommendation of Docs. #33 and #30 (Doc. #64) is DENIED. Magistrate Judge England's Report and Recommendation (Doc. #61) and Magistrate Judge England's Report and Recommendation (Doc. #55) are still **adopted** and shall be attached to and made part of this Order. It is further

ORDERED Defendant's Response to Magistrate Judge England Report and Recommendations Concerning Doc. #44 (Doc. #65) is DENIED. Magistrate Judge England's Report and Recommendation (Doc. #55) is still **adopted** and shall be attached to and made part of this Order. It is further

ORDERED Defendant's Response to Report and Recommendations of Docs. #30, #41, and #45 filed by Magistrate Judge England in Doc. #55 (Doc. #66) is DENIED. Magistrate Judge England's Report and Recommendation (Doc. #55) is still **adopted** and shall be attached to and made part of this Order.

IT IS SO ORDERED.

DATED: March 6, 2013

/s/ Brian C. Wimes  
JUDGE BRIAN C. WIMES  
UNITED STATES DISTRICT COURT